

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

MARGIE ANN SMIDT, )  
                        )  
                        )  
Plaintiff,           )  
                        )  
                        )  
v.                     ) Case No. CIV-14-147-Raw-SPS  
                        )  
                        )  
CAROLYN W. COLVIN, )  
Acting Commissioner of Social Security )  
Administration,       )  
                        )  
                        )  
Defendant.           )

**ORDER REMANDING CASE FOR FURTHER PROCEEDINGS**

On September 10, 2015, Magistrate Judge Shreder entered a Report and Recommendation in the above-referenced case, recommending that this court reverse the Commissioner's decision upholding on appeal the findings of the Administrative Law Judge ("ALJ"), denying benefits to plaintiff. Defendant filed an objection which has been duly considered.

The narrow issue is consideration of evidence submitted after the ALJ's written opinion. Defendant argues that the Commissioner should be affirmed, or alternatively, that the remand should be pursuant to sentence six of 42 U.S.C. §405(g) as opposed to sentence four. The court will follow the Report and Recommendation.

Upon full consideration of the entire record and the issues herein, this court finds that the Magistrate Judge's findings are supported by substantial evidence and the prevailing legal authority. Accordingly, the Report and Recommendation of the United States Magistrate Judge is hereby AFFIRMED and ADOPTED as this court's Findings and Order. The

decision of the Secretary is reversed and this case is remanded to Defendant pursuant to the fourth sentence of 42 U.S.C. §405(g) for further administrative proceedings.

**ORDERED THIS 24th DAY OF SEPTEMBER, 2015.**

**Dated this 24<sup>th</sup> day of September, 2015.**



Ronald A. White  
United States District Judge  
Eastern District of Oklahoma